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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR04-208-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 JERRY LEE BACKUS,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on February 14, 2007. The United States was represented by AUSA Karyn S. Johnson and
16 the defendant by Michael Filipovic. The proceedings were digitally recorded.

17 Defendant had been sentenced in the District of Idaho on or about December 4, 2003 by
18 the Honorable Edward J. Lodge on a charge of Fraud and related activity in connection with
19 access devices, and sentenced to 10 months custody, 3 years supervised release. Defendant's
20 supervised release jurisdiction was transferred to this court on April 30, 2004 (Dkt. 3).

21 The conditions of probation included the standard conditions plus the requirements that
22 defendant participate in a drug dependency/substance abuse program, participate in a mental health

01 program, submit to search, provide access to financial information, not incur any new credit
02 without permission, perform 40 hours community service, and pay restitution in the amount of
03 \$1,220.77. (Dkt. 3).

04 Defendant's probation officer reported on October 5, 2004 that defendant tested positive
05 for alcohol and cocaine. He was reprimanded, placed in a structured testing program, and referred
06 for assessment and counseling. (Dkt. 5). This was the first positive test since commencing
07 supervision.

08 On April 6, 2005, defendant's probation officer reported that defendant was using
09 marijuana for pain relief related to a back injury and was in arrears in his restitution payments.
10 Defendant agreed to stop using marijuana for pain relief and to get caught up in his payments. No
11 further action was taken at the time. (Dkt. 6).

12 On January 18, 2006, defendant admitted to violating the conditions of supervised release
13 by using certain controlled substances such as percocet and vicodin without a prescription. (Dkt.
14 15.) At the disposition hearing, defendant was in compliance with the conditions of supervised
15 release, so no further action was taken. (Dkt. 17.)

16 In an application dated January 29, 2007 (Dkt 18), U.S. Probation Officer Michael S.
17 Larsen alleged the following violations of the conditions of supervised release:

18 1. Using cocaine, on or about January 25, 2007, in violation of the general condition
19 that he refrain from any unlawful use of a controlled substance.

20 2. Using marijuana, on or about January 23, 2007, in violation of the general
21 condition that he refrain from any unlawful use of a controlled substance.

22 Defendant was advised in full as to those charges and as to his constitutional rights.

01 Defendant admitted the alleged violations and waived any evidentiary hearing as to
02 whether they occurred.

03 I therefore recommend the Court find defendant violated his supervised release as alleged,
04 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
05 set before Judge Pechman.

06 Pending a final determination by the Court, defendant has been detained.

07 DATED this 15th day of February, 2007.

08 
09 Mary Alice Theiler
10 United States Magistrate Judge

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12 cc: District Judge: Honorable Marsha J. Pechman
13 AUSA: Karyn S. Johnson
14 Defendant's attorney: Michael Filipovic
15 Probation officer: Michael S. Larsen
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